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TOPEKA, KANSAS, FRIDAY EVENING, APRIL 6, 1894.

TWENTY-SECOND YEAR.

ALMOST A BATTLE.

Industrial Army at Oakland, California,

Makes a Most Threatening and Portentous Display.

HUNDREDS ARE ARMED

A Large Force of Deputies Provided With Guns,

Sworn In to Eject the Men by Force.

The Army Compelled to Leave the City.

OAKLAND, Cal., April 6.—The city of Oakland has had many exciting events in its history, but never has anything occurred here to compare with the turmoil caused early this morning by a regiment of unemployed men, which left San Francisco Wednesday to join Coxey's army in its march to Washington.

All night long every man, woman and child in Oakland was on the streets, the riot alarm was sounded, the governor was asked to call out the national guard; extra police and deputy sheriffs were sworn in and armed with rifles and preparations made for fighting of the bloodiest kind, because six hundred and forty unemployed desperate men refused to leave the city.

Only a rash word or an unlucky shot was required to precipitate a conflict which would have resulted in the extinction of this branch of the industrial army, for the men composing it were mostly unarmed, and could have made but a feeble resistance to the officers and citizens. But the word was not uttered; nor the shot fired, for the army, overawed by force, consented to move on when it was seen that further resistance to the will of the citizens of Oakland was useless.

On Wednesday last under the leadership of a man named Kelley, about 600 unemployed men applied to Mayor Elbert of San Francisco for assistance in getting across the bay to Oakland, where they expected to secure transportation on freight trains to the east. The mayor contributed \$25 and the regiment was sent over to Oakland.

Hot Words By Two Mayors.

Mayor Pardee of this city, resented what he called the foisting of San Francisco's unemployed upon Oakland and a tart correspondence has ensued between the mayors of the two cities. Upon arrival at Oakland the army found that the Southern Pacific railroad would not allow them to ride on its freight trains, so they camped in the Mills' tabernacle and waited. The people of Oakland fed them and they were in no hurry to move. Finally the citizens raised \$200 to pay the fare of the industrials to Sacramento, and arrangements were made to have them start at 6 o'clock last night. The army marched on to the 16th street station to take the train and the people of Oakland heaved a sigh of relief at getting rid of them so easily. When, however, the army found that it was to be transported in box cars, the men rebelled and refused to leave unless passenger coaches were provided for them. The army marched back to the tabernacle.

Chief of Police Schaffer tried to make peace by asking the railroad company to supply passenger coaches. Division Superintendent Wilder refused the request, saying the railroad company could not furnish the coaches for the \$300 that had been subscribed.

All negotiations were declared off and then it was decided to take action against the army. The officers received information that among the leaders from the army was a man who had been interested in the Haymarket riots in Chicago. This information was somewhat alarming to the officers and it was decided to take speedy action and prevent bloodshed if possible.

Mayor Pardee hurriedly called a meeting of the town council and a plan of campaign was decided.

Must Be Driven Out by Force.

At 11 o'clock Mayor Pardee issued positive orders to Chief of Police Schaffer that the industrial army must be driven out of the city by force. The orders were of such a character that the chief felt they must be carried out. He made a secret investigation and learned that the army consisted of about 640 men, who were camping in the tabernacle.

Chief Schaffer then issued a general order to all the members of the police force to report in uniform at once to the city. In response to this order some 35 police officers appeared at the city hall. The chief came to the conclusion that this number was not sufficient to battle with and he did not propose to take chances.

He wanted a full force before he attempted the raid. A report was made to Mayor Pardee of the condition of affairs and he at once telegraphed to the governor to have the militia called out. The telegram was sent to Sacramento, and in case the governor could not be found, an appeal was to be made to Adjutant General Allen.

Chief Schaffer then sent for Sheriff McKillop, and a consultation was had at the city hall. The sheriff agreed to swear in all necessary deputies in order to keep the men out. In the meantime Major Frank O'Brien, commanding the first battalion of the Fifth regiment, including companies A, F, and G, was summoned to the city hall.

Preparing for Action.

He was notified by the police to prepare for action as a telegram had been sent to the governor asking for assistance. Major O'Brien at once repaired to the armory on Twelfth street and his officers were summoned for duty. He notified the police that he would be in readiness to report for duty with two companies the moment he received word from the governor or adjutant.

tant general. Under the direction of Major O'Brien a gaiting gun was placed in front of the city hall and loaded for action.

The gun was placed in charge of militiamen with instructions to take no action until word was received from the major in command. At midnight the mayor, Sheriff McKillop and Chief Schaffer held a consultation, and it was decided to drive the industrial army out of the city at 3 o'clock in the morning.

The excitement at the city hall was now running high. The officers were arming themselves with pistols, clubs and Winchester rifles. Sergeant Fletcher commenced to organize the men into a company, as he was ready for action at a moment's notice. At 12:30 no word had yet been received from Sacramento and the militia were waiting orders to move and assist the police.

The mayor and the council were still at the city hall, and finally sent the chief of police and the sheriff to make a final request of Superintendent Wilder for passenger coaches. Wilder refused, and further preparations for the morning commenced. Oakland's police force consists of fifty-eight men, and they were all on duty.

General Alarm Sounded.

At 2 o'clock a. m. a general alarm was sounded by the fire bells, and the citizens hastened to the city hall. Then about 100 were sworn in as deputy sheriffs and were armed. The fire department also responded, and were armed with ax handles. Then the city's forces marched to the tabernacle, where the industrial army were peacefully slumbering. They were rudely awakened and ordered to move out. The men refused, and things looked ominous. Consultations were held on both sides.

Finally the police arrested leader Kelly and several of his men, and penned the rest of them in a corner of the tabernacle. They still refused to move unless their leader was returned to them, and the police held another consultation. It was proposed to handle the army by force. At last they decided to release him, and Kelly was carried back on the shoulders of his men amid enthusiastic cheers. He made a speech to his followers counselling moderation, and urged them to comply with the demands of the people of Oakland. In the meantime arrangements had been made with the Southern Pacific company for eight box cars.

Acting under Kelly's advice the industrials agreed to submit peacefully, and at 8:30 a. m. formed a line, and escorted by 200 armed police and citizens marched to Sixteenth street station, where they entered the box cars, and shortly after 4 o'clock the train pulled out for Sacramento.

Oakland heaved another big sigh of relief and went back to bed. At Sacramento the army will be reinforced by about 300 more men, and unless the railroad company agrees to take the whole lot still further on the journey across the country, trouble is almost certain to ensue.

Acting on the advice of Mayor Pardee, the council has passed resolutions giving notice that the city in future will refuse to permit the invasion of her territory by any organized body of destitute men; also it will refuse to feed or shelter any body of destitute men who may enter the city; also it will enforce the laws against vagrancy, begging, street parades or disorderly assemblages.

"GEN." FRYE HAD TO MOVE ON.

His Men Offered \$1.50 a Day for One Year but Wouldn't Accept.

ST. LOUIS, April 6.—Under the orders of the chief of police of East St. Louis, "Gen." Frye's industrial army took another, but very short step toward Washington this morning. Satisfied that the railroads would not voluntarily transport the travelers, Chief Walsh ordered Gen. Frye to get his men beyond the city limits as soon after 8 o'clock as possible.

Frye accepted the situation and after a hurried, abbreviated breakfast consisting principally of beans, he got his men in line and moved from Camp Relay, in the muddy bottoms of East St. Louis, to a point on the Collinsville turnpike just outside the limits of East St. Louis. There they halted and went into camp again to await developments.

In the meantime the East St. Louis police outposts have been reinforced and orders issued to prevent the return into the city limits of any of the men, now that they have been forced beyond the boundaries. Just what will become of the men is hard to say. They are practically without food, and the east-bound roads refuse to move them any farther, both on their own account and because of instructions received from eastern cities not to bring the wanderers into their limits.

The lack of food for the men increases as the citizens learn of the unwillingness of the men to accept the offer of the East St. Louis war board of \$1.50 per day for one year for 200 men to lay pipes, and unless something new develops Frye may put into effect a threat made yesterday to surrender to the East St. Louis police as vagrants and thus compel the city to care for them.

INDUSTRIAL ARMY MAD.

The Section at Riverside Thinks It Didn't Get Enough Supplies.

RIVERSIDE, Cal., April 6.—The industrial army enroute here is camped about ten miles from this city. It is understood that they are indignant over the treatment accorded them by the people of South Riverside, who did not furnish them the supplies that they expected. The marshal of this city and the other officers will meet the army today and escort it through the orange groves.

WOLFE FOUND GUILTY.

The Jury Takes But Fifteen Minutes to Reach a Verdict.

N. H. Wolfe, former agent of John Waukeget here, must go to the penitentiary. The jury in his case was out less than 15 minutes this morning, when they returned a verdict finding him guilty of obtaining money under false pretenses.

Wolfe's case was finished, and given to the jury a few minutes before 4 o'clock last evening. The juryman were out about twenty minutes, but could not agree, but this morning it did not take them long to reach a verdict. Judge Hazen will sentence Wolfe at the close of the trial of criminal cases.

WILL NOT GIVE IN.

Judge Jenkins Hands Down His Decision Today.

He Modifies His Anti-Strike Order But Little.

TO STRIKE IN A BODY

Regarded As a Conspiracy of the Employees.

The Modification Made is Almost Immaterial.

THE PUBLIC'S RIGHTS

Not to Be Disturbed By Railroad Squabbles.

Both Sides Have Been at Fault Says Jenkins.

MILWAUKEE, April 6.—The long looked for decision by Judge Jenkins on the motion made by the chiefs of the great railway organizations for a modification of his famous Northern Pacific strike orders, was rendered in the United States circuit court at 2 o'clock this afternoon.

The motion was made by P. M. Artur, grand chief executive officer of the Brotherhood of Locomotive Engineers; F. R. Sargent, grand chief of the Firemen's Brotherhood; E. Clark, grand chief of the conductors; D. G. Ramsey, chief of the Telegraphers' National association; S. E. Wilkins, grand chief of the Brotherhood of Trainmen, and John Wilkinson, grand chief of the Switchmen's Mutual Benefit association. The petition asks for the modification of the injunction of December 9, by expunging the words "and from combining and conspiring to quit, with or without notice to the said receivers with the object and intent of crippling the property in their custody, or embarrassing the operation of said road and from so quitting the said receivers, with or without notice, as to cripple the property, as to prevent or hinder the operation of said road."

It also asked that the passages supplementary to the injunction (which is much stronger) covering the same ground, be eliminated.

To Bring a Direct Issue.

The object of the motion was to bring to a direct issue before the court the question whether courts can grant injunctions to restrain employees from striking.

Judge Jenkins modifies his injunctive order by striking out the clause which reads: "And from ordering, recommending, approving or advising others to quit the service of the receivers of the Northern Pacific railway on January 1, 1894, or any other time." In all other respects the judge denies the motion of the men.

Judge Jenkins said: "In the discussion of the important and interesting questions presented by the motion, it is not the province of the court to assume part in the contest between capital and labor, which it is asserted is here involved. It may be that the aggregated power of combined capital is fraught with danger to the republic. It may be that the aggregated power of the combined labor is perilous to the peace of society and to the rights of property. It doubtless is true that in the contest the rights of both have been invaded and that each has wrongs to be redressed.

"If danger to the state exist from the combination of either capital or labor, requiring additional restraint or modification of existing laws, it is within the peculiar province of the legislature to determine the necessary remedy and to declare the general policy of the state touching the relations between capital and labor. With that the judicial power of the government is not concerned. But it is the duty of the courts to restrain those warring factions so far as their action may infringe the declared law of the land, that society may not be disrupted or its peace invaded, and that individual and corporate rights might not be infringed.

An Injunction the Best Remedy.

"If the combination and conspiracy alleged and the acts threatened to be done in pursuance thereof are unlawful, it cannot, I think, be successfully denied that restraint by injunction is the appropriate remedy. It may be true that a right of action at law would arise upon consummation of the threatened injury, but manifestly such remedy would be inadequate. The threatened interference with the operations of the road if carried into effect would result in paralysis of its business, stopping the commerce, ebbing and flowing through seven states of the Union, wreaking incalculable injury to the property and causing great public privation.

"Pecuniary compensation would be wholly inadequate. The injury would be irreparable. Compensation could be obtained only through a multiplicity of suits against the 12,000 men scattered along the line of this railway for a distance of 4,400 miles.

Must Not Allow a Public Wrong.

"It is the peculiar function of equity in such cases where the injury would be great public wrong, to restrain the commission of the threatened acts and not to send a party to seek uncertain and inadequate remedy at law. That jurisdiction rests upon settled and unassailable ground.

would be no adequate compensation at law.

"It will in extreme cases, where the peril is imminent and the danger great, issue mandatory injunctions requiring a particular service to be performed or a particular order to be revoked in preventing the commission of trespass upon property or upon public rights.

"I need not enlarge upon this subject. The jurisdiction being in question is plenary and comprehensive."

The judge then cited several authorities and continued: "It would be anomalous indeed, if the court holding this property in possession in trust could not protect it from injury and could not restrain interference which would render abortive all efforts to perform the public duties charged upon this railway.

"It is suggested by counsel that as improper interference with this property during its possession by the court is contempt, punishment therefore, would furnish ample remedy and that there fore an injunction would not lie. This is clearly an erroneous view. Punishment for contempt is not compensation for an injury. The court's remedy for contempt does not go to the owner of the property injured. Such contempt is deemed a public wrong, and the fine levied to the government. The injunction goes on prevention of wrong to property and injury to the public welfare, the fine, in punishment of contumacy."

Employees Officers of the Court.

Turning his attention to the objections urged to particular paragraphs of the writ, Judge Jenkins said:

"It is contended that the restraint imposed by that part of the original writ to which objection is made by this motion, is in derogation of common right and an unlawful restraint upon the individual.

"Upon the individual to work for whomsoever he may choose, to determine the conditions upon which he will labor and to abandon such employment whenever he may desire.

"In the determination of this question, it is needful to look to the conditions which gave rise to the issuance of the writ. Here was a railway some 4,400 miles in length, traversing some seven states of the union, engaged in interstate commerce, carrying the mails of the United States.

"This property was within the custody of the court, through its receivers, in trust to operate it, to discharge the public duty of service, and to keep it a going concern until the time should come to hand it over to its rightful owners, with all public debts discharged, and with its franchise, rights and privileges unimpaired.

Circumstances of the Case.

"The receivers employed in the operation of the property some 12,000 men. These men are vice officers of the court and are responsible to the court for their conduct. The petition represented to the court—and the facts are confessed by this motion, that some of the men threatened to suddenly quit the service of the receivers, and to compel by threats and force and violence other employees, who were willing to continue in the service, to quit their employment, thereby causing incalculable loss to the trust property and inflicting great inconvenience and hardship upon the public.

"The restraining portion of the writ complained and now under consideration, prohibited these men from combining and conspiring to quit the service with the object and the intent of crippling the property of the receivers, and embarrassing the operation of the road and from carrying that conspiracy into effect.

No Strike Successful Without Violence.

"In the case under consideration the receivers sought to change the terms and conditions of service. The employees had, of course the right to decline service. Notwithstanding the public character of the service upon notification of their declaration at a time prior to January 1, 1894, reasonable in view of the service in which they were engaged, they had the undoubted right to abandon their employment upon that day. That however, is not the case presented to, and dealt with by the court.

Nor does the rectitude of the writ in the injunction rest upon any mere right of the employees in good faith to abandon their employment. The restraint imposed was with reference to combining and conspiring to abandon the service with the object and intent of crippling the property. Its office was to restrain the carrying into effect of the conspiracy."

The second branch of the motion has reference to the writ of injunction issued upon the supplemental petition of the receivers, restraining any combination or conspiracy having for its purpose the inauguration of a strike on the lines of the railroads operated by the receivers and from ordering, advising or approving by communication, or instruction or otherwise, the employees of the receivers to join in a strike. This part of the motion presents the issue whether a strike is lawful. The answer must largely depend upon the proper definition of the term.

The judge then cited the various definitions of the word "strike," and dwelt upon strikes in general. He said he knew of no peaceful strike that no strike was ever heard of that was or could be successful until accompanied by intimidation or violence.

JUDGE DUNDY EXCITED.

He Doesn't Like the Position Recent Decisions Have Placed Him In.

OMAHA, April 6.—The American Railway Union today made application to the United States district court to have the salaries of the members of the order on the Union Pacific road, which were cut last August, restored to the old rate. Judge Dundy was visibly excited when addressing the attorneys for the bench.

Said he: "If it is stated that such a cut has been made in the wages of these men connected with this organization—or outside of it—on this railroad when others who are drawing higher pay have been so highly favored, I will see that those who are drawing less pay will be treated the same way and I will advise that the old pay be restored.

"Still it is but fair to the other side that they should have notice. You have to rely a great deal on the testimony of railroad men in those cases and they

Extra

6:30 p. m.

BIG SENSATION.

The School Fund Commissioners Taken In.

A Lot of Fraudulent Bonds Bought by Them.

The State Suffers a Very Heavy Loss.

ABOUT 20,000 DOLLARS

Probably Lost Beyond Recovery Through

The Carelessness or Incompetency of the

Officials of the Populist State Administration.

At 5:30 o'clock this afternoon a big sensation was sprung on the public. A STATE JOURNAL reporter was among the first to learn of it.

The state school fund commissioners have purchased twenty-seven thousand dollars' worth of Hamilton and Kearney county bonds, which have been declared fraudulent, or at least were repudiated some years ago by the counties which issued them.

Governor Lewelling and the State School commissioners have been greatly worried for the last few days, but it was not known till late this afternoon just what the new trouble was.

The story in brief is as follows: The state commissioners in charge of the school fund are Attorney General Little, State Superintendent Gaines and Secretary of State Osborn.

About five years ago Geo. W. Crane secured some Hamilton county bonds in two lots of five thousand dollars each.

Later he placed the bonds in the hands of the Bank of Topeka, Central National and Kansas National bank as collateral. Some years after the Hamilton county seat was removed and the county repudiated the bonds.

Some days ago Major N. D. McGinley and a Mr. Hornaday who formerly worked in the state department told Mr. Crane they had a purchaser for some of the bonds.

Crane sold them one lot of five thousand dollars for three thousand; and afterwards made a similar sale of the second lot.

Mr. Crane supposed McGinley was selling them to some bond speculators who were continually making offers for such bonds.

Great was his surprise when he learned the school commissioners had bought these bonds at par and accrued interest.

The first money he had turned over to the bank, but the second \$3,000 he returned to the state treasurer.

The discovery that the commissioners had purchased repudiated bonds has caused a sensation in the state house that has not been equalled in many a day.

The rest of the twenty thousand dollars shortage by reason of bad bonds is through a similar purchase of Kearney county bonds made a few days ago.

should have notice, and I suggest the propriety, when Mr. Dickinson returns, of making the order.

"Now I have got myself into difficulty, as you can readily see by following the order. Judge Jenkins made in the Northern Pacific case when he allowed a schedule reducing the pay and fixing in the order that the parties were bound to comply with it when no notice, not a minute, was given, I do not propose to get myself into the same shape again, and be denounced in open court where I have to reside at times.

"I followed his order, though mine was less stringent than his when he did not give the men a minute's notice, and now I am denounced all over the country for doing the very thing he did, when I was following a precedent he set. My term of court commences at Norfolk on Monday, but if necessary I will postpone that in order to have a speedy hearing in this case.

In conclusion, Judge Dundy said:

"If you want to make application to have the old pay restored, I want you and every other one of the employees on the road to understand that if they have been wronged by the reduction that they will not have to join any union in order to get a hearing; because, as I said before, I will hear one person that has a grievance, or I will hear a hundred, or a thousand, or four thousand—as they claim to have in this union—and I will make no distinction between the parties.

"I made the order in the first instance when this order was made, on January 27th, giving and granting the right to all employees to come into court and have the matter determined if they felt aggrieved. But some of them instead of doing that commenced firing threatening letters at me and ignored the order I made for their benefit.

"I simply authorized the receivers to put into force the schedule that has been made. I did not order them to; it was wholly unlike the one in the Northern Pacific case, there the Judge in making the order which I followed, not only did what I did, but directed and ordered the receivers to put it into force, and I never did that."

Governor Lewelling went to his home at Wichita today.

WILL SELLS' SHOW.

Arrangements Being Made Today For Its Railroad Transportation.

Willie Sells, of the Sells & Renfrow circus, this morning made arrangements with the mechanical department of the Santa Fe for cars with which to transport his "great aggregation of colossal wonders" during the coming summer season. The show will leave Topeka about May first, and will take a westerly course over the Santa Fe. The list of towns to be visited has not yet been agreed upon.

LOBDELL TALKED OF.

He Is a Prospective Candidate For Attorney General.

A new candidate for the nomination for attorney general is one of the likely results of the Republican league convention of yesterday. Hon. C. E. Lobdell, of Dighton, Lane county, who was chairman of the judiciary committee of the last house and was a member of the first house of representatives which was controlled by the Populists and the late Col. Sam Wood, is thinking seriously of being a candidate. Mr. Lobdell went home this afternoon and said he would decide within the next few days whether he would be a candidate.

THROUGH A SANDSTORM.

Mr. Frey Took the Holland Roadholders Across the Maxwell Grant.

General Manager J. J. Frey says that Adam Roelviu and J. C. Lo man, with whom he recently toured the Santa Fe and the Maxwell land grant in New Mexico, have gone east, and will sail for their home in Amsterdam, Holland, in a few days.

The party's journey across the land grant, in which the Holland gentlemen are largely interested, consisted of a 30-mile carriage drive through a wind and sand storm, that even Oklahoma can't equal.

A NEPHEW OF GREELEY.

Is the New Teacher of Psychology at Washburn.

Prof. Clarence D. Greeley, a nephew of Horace Greeley, has arrived in the city and has taken charge of classes in psychology at Washburn college. Prof. Greeley is not located here permanently, but will remain till the end of the school year. He is the general agent of the International Law and Order League with headquarters in Connecticut. He graduated from Washburn in 1888 and went to Harvard afterward.

Dr. Peter McVicar, president of the college, who had charge of these classes, will spend his entire time soliciting funds for the college in the east.

President J. P. Davis president of the Kansas Mutual Life association, today invited Superintendent of Insurance Snider to make an official examination of his company. Superintendent Snider commenced the examination this afternoon and is being assisted by D. R. HHS.

Items of Interest

AT

THE

Mills-Flower-Adams Co.

723 KANSAS AVE.

TOMORROW

Spring Jackets,

Spring Capes,

All New and the Very Latest Style.

During the past week we have been receiving almost daily new spring wraps and each one from a different manufacture. This enables us to offer an exceptionally CHOICE VARIETY at prices that insure ready sales.

WE INVITE YOUR INSPECTION.

Black Moire Silks,

Just Received.

\$1.50, \$1.75, \$1.90 yd.

Excellent Values.

LADIES'

Half Toned Waists.

THE

Rosalind Chemisettes

These are the VERY LATEST NOVELTIES for ladies' wear. NOBBY STYLES and COLORS, and they are NOT EXPENSIVE.

The Brighton 4-Piece Button.

Ladies' Kid Glove

Recent arrivals on sale Tomorrow in Old Rose, new colors, BAVARIA BROWNS, all the ultra shades and Black.

For \$1 Pr.

Ladies' Kid Gloves

The largest variety for the price to be seen. Some were \$1.25 some \$1.50, some \$1.75 and some \$2.00 pr.

THEY ARE GRAND VALUES.

26-IN.

Silk Umbrellas,

\$1.25 on.

Helvecia Silk-Paragon frames

Alaska-Nat. Wood Crooks.

You'll say THEY ARE WORTH the price.